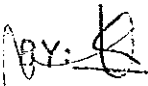


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FILED

BY: 
2014 DEC 26 PM 4:18

VIRLYNN TINNELL
SUPERIOR COURT CLERK

5 **IN THE SUPERIOR COURT, DIVISION IV, OF THE STATE OF ARIZONA**

6 **IN AND FOR THE COUNTY OF MOHAVE**

7 STATE OF ARIZONA,

8 Plaintiff,

9 vs.

10 JUSTIN JAMES RECTOR,

11 Defendant.

Case No.: CR-2014-01193

**OBJECTION TO STATE'S
MOTION FOR MENTAL HEALTH
RECORDS**

12
13 COMES NOW Defendant, by and through his attorney undersigned, and objects to
14 State's Motion for Mental Health Records filed on December 24, 2014, for the following
15 reasons:

- 16 1. Said motion, read in conjunction with each proposed order, requests an order from
17 the Court which directly contravenes A.R.S. § 13-754 (C), which requires that any
18 report generated pursuant to A.R.S. §13-754 be sealed by the Court and made
19 available only to the defendant. Obviously, and by necessity, this restriction must
20 apply to any supporting information which would be referred to extensively in the
21 report;
- 22 2. The medical information sought is protected health information which may not be
23 disclosed absent good cause, and none has been shown by the State. While Dr.
24



26 S8015CR201401193

1 Ernest Harman, if appointed by the Court, may eventually have good cause to
2 know such protected health information, he has not yet said so to the Court, and
3 the Court has not yet reviewed in camera the desired protected health information
4 in light of any request by the doctor. As for the State's interest in having the
5 records, mere curiosity is obviously not sufficient cause;

6 3. The State's motion, lacking any request for hearing, invites the Court to decide the
7 motion without hearing; and

8 4. The proposed orders, by incompletely using the language of A.R.S §13-754(A)(2),
9 implicitly invite the Court to make what could be construed as an
10 acknowledgement that defendant has in fact committed the murder, when no jury
11 trial has yet been held regarding that matter.

12 Defendant requests immediate hearing on this objection, because the orders referenced
13 above have already been signed by the Court, and defendant will suffer irreparable harm if his
14 protected health information is divulged to the State.

15 RESPECTFULLY SUBMITTED THIS 26TH DAY OF DECEMBER, 2014.

16 JUSTIN JAMES RECTOR, Defendant

17
18 BY:


HARRY A MOORE
Mohave County Public Defender

19 Attorney for Defendant.
20

21 A copy of the foregoing sent
22 this 26 day of December 2014 to:

23 Greg McPhillips, Deputy
Mohave County Attorney's Office

24 Harry A Moore, Deputy
Mohave County Public Defender's Office
25
26

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Justin James Rector, Defendant

Honorable Lee Jantzen

By: _____